

REMARKS

Claims 1-51 and 54-61 are pending with entry of this Amendment.

Applicant acknowledges the indicated allowability of Claims 1-37 and 54-61.

Applicant acknowledges the withdrawal of the objections to the specification and drawings.

Claims 38-53 stand rejected.

Please cancel Claims 52-53 without prejudice.

The following sections address *in seriatim* the points in the Office Action requiring response.

Claim Objection

On page 2 of the Office Action, the Office objected to Claims 52 and 54. In response to the Office's objection, Applicant has amended Claim 54 to correct informalities identified by the Examiner. Claim 52 has been cancelled without prejudice. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 101

On page 2 of the Action, the Office rejected Claim 38 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office asserted that the claim recites a data structure not claimed as embodied in computer readable media. Applicant has amended Claim 38 to require the data structure of a hopping frame embodied in a computer readable medium. Support for Applicant's amendment may be found at least in paragraphs [0011], [0015], [0017], [0026]-[0027], [0041]-[0042]. Applicant submits that embodiments of the system, transmitter and respective

components thereof described in the afore-mentioned paragraphs inherently include a computer readable medium. As the amendment is directed to form rather than substance and as the claimed subject matter has previously been searched and considered by the Office, reconsideration and withdrawal of the rejection of Claim 38 and the claims dependent thereon are respectfully solicited.

Rejections under 35 U.S.C. § 103(a)

On pages 3-5 of the Office Action, the Office improperly rejected Claims 52 under 35 U.S.C. § 103(a) as being unpatentable over Ho in view of Kim and Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Kim. While Applicant disagrees with the merits of the rejection, Applicant has cancelled Claims 52 and 53 without prejudice to further prosecution of the subject application and allow Claims 1-51 and 54-61 to issue as a United States Patent. Such a cancellation should not be construed as an acquiescence to the rejection or be inferred as an agreement with the Office's assertions as to the alleged teachings of the references of record.

Applicant submits that the subject application is in condition for allowance.

Applicant respectfully requests that the Office issue a Notice of Allowance.

Conclusion

This Amendment has been submitted responsive to the Final Office Action mailed March 18, 2008. Claims 1-51 and 54-61 remain pending in the subject application.

Applicant believes that the present application is now in condition for allowance and such action is earnestly requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic or in-person interview would advance the prosecution of the application.

Should any additional fees be necessary in connection with the filing of this Response, or if a petition for extension of time is required for timely acceptance of the same, such a petition is made and the Office is authorized to charge such fees to **Deposit Account No. 08-0870**.

Respectfully submitted,

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